

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: Am. Sub. S.B. 35 DATE: October 15, 1997

STATUS: As Recommended by Conference SPONSOR: Sen. B. Johnson
Committee

LOCAL IMPACT STATEMENT REQUIRED: No — Offsetting revenues

CONTENTS: Graduated driver's license

State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FUTURE YEARS
Crime Victims Reparations Fund			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	- 0 -	- 0 -
GRF (for Public Defender)			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	- 0 -	- 0 -

- Any court cases that result from the new minor misdemeanor created in the bill will generate additional money for the above funds.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties and Municipalities			
Revenues	Potential gain	Potential gain	Potential gain
Expenditures	Potential increase	Potential increase	Potential increase

- Counties and municipalities will incur expenditures for the enforcement and adjudication of the bill's provisions.
- Counties and municipalities will receive revenues for new fines and court costs imposed. **These revenues are anticipated to far exceed any new expenditures incurred.**



Detailed Fiscal Analysis

The bill would introduce a graduated license program into Ohio. Specifically, the bill allows a person who is 15 ½ to obtain a temporary instruction permit and ID card, requires a person under 18 to have held a temporary instruction permit and ID card for at least six months prior to obtaining a probationary driver's license, and establishes the terms of both temporary instruction permits and temporary driver's licenses (including the creation of a new minor misdemeanor for violations of the new restrictions). The bill requires the Registrar of Motor Vehicles to set standards for a juvenile traffic improvement program to be completed by persons who have had their temporary instruction permit suspended. Further, the bill requires the Ohio Department of Public Safety to collect statistics on juvenile drivers and to report to the legislature no later than two years after the effective date of the act.

Current Law

Under current Ohio law, a person who is under the age of 18 is issued a probationary driver's license. This currently means that:

1. A parent or guardian must sign the application for a minor.
2. The registrar must suspend the probationary driver's license when a person, before their 18th birthday has been convicted of, plead guilty to, or been adjudicated in juvenile court of having committed any of a number of offenses listed in section 4507.162 of the Revised Code. The same section specifies that some offenses must be committed only once to warrant a suspension while others must be committed multiple times before a suspension may be issued.

Under the Bill

The bill would keep the same list of offenses for which a probationary driver's license would be suspended but would, in many instances, reduce the number of times offenses could be committed before a suspension would take effect.

The bill would also add the temporary instruction permit into law, allowing those age 15½ or older to apply for a permit. By placing drivers 15 ½ and older in a position to obtain temporary instruction permits, the bill would have the effect of allowing more drivers onto Ohio's roads. The bill requires holders of temporary instruction permits to be accompanied by an "eligible adult", which means a parent, guardian, custodian, driving instructor, or a person over 21 years of age who maintains proof of financial responsibility and acts in loco parentis. There are approximately 165,000 fifteen year olds in Ohio, about half of whom would be eligible to receive temporary instruction permits. How many of those will actually obtain permits is unknown. If one half of those eligible for permits obtain them (i.e., one-half of about 82,500), then approximately 40,000 fifteen year olds will be on the road. Some number of these new drivers will receive traffic violations either under existing statutes or for violations of the new misdemeanor created in the bill. The result will be increased expenditures and revenues for local jurisdictions. However, due to the nature of traffic violations and the new misdemeanor created in the bill, revenues generated are anticipated to far exceed any new expenditures.

New Penalties

The bill creates a minor misdemeanor for violations of provisions regarding the use of temporary instruction permits and probationary driver's licenses. The major provisions for which violations are created include:

I. For Temporary Instruction Permits

1. The permit and ID card must be in the permit holder's immediate possession.
2. The holder must be accompanied by an "eligible adult"* who occupies the seat next to the permit holder.
3. All occupants must be wearing their seatbelts.
4. The holder can not drive between 1:00 a.m. and 5:00 a.m. if the person is under 17 years of age, unless accompanied by a parent, guardian or custodian or is travelling to or from work, an official school function sponsored by the school the holder attends, or an emergency, or is an emancipated minor.

II. For Probationary Driver's Licenses

1. All occupants must be wearing their seatbelts.
2. The holder can not drive between 1:00 a.m. and 5:00 a.m. if the person is under 17 years of age, unless accompanied by a parent, guardian or custodian or is travelling to or from work, an official school function sponsored by the school the holder attends, or an emergency, or is an emancipated minor.

* An eligible adult is a qualified driving instructor, parent, guardian, custodian, or a person over 21 who maintains proof of financial responsibility and acts in loco parentis.

Additionally, the bill makes falsification of the affidavit (Revised Code section 4507.21 B(2)) required to be signed by a parent or guardian for a person under 18 who is applying for a license punishable by a \$100 fine. The affidavit asserts that the person applying for the license has acquired a minimum of 50 hours of driving experience with at least 10 of those hours at night.

Crime Victims Reparations Fund & State Public Defenders

The Crime Victims Reparations Fund and the State Public Defender both receive funds from the court costs which are assessed in both county and municipal courts and in courts of common pleas. The following chart delineates the amount of money received by both the Crime Victims Reparations Fund and the Public Defender.

Fund	Misdemeanors	Felonies
Crime Victims Reparations Fund	\$9	\$30
Public Defender	\$11	\$11

Because both of the above funds receive money assessed on a case-by-case basis, any increase in the total number of felony or misdemeanor cases will increase the amount of money deposited into each of the above funds.

Local Revenue and Expenditures

Revenue. Additional court costs and fine revenues will be realized by counties and municipalities for any new violations adjudicated under the bill’s provisions. Court costs in most municipal courts generally must be paid into the treasury of the municipal corporation in which the municipal court is located. However, in the case of county-operated municipal courts, court costs generally must be paid into the county treasury. Court costs collected in a county court must be paid into the county treasury.

One of the general rules for the distribution of fines in Ohio directs fines for violations of state law for deposit into the treasury of the county in which the municipal or county court is located. The fine amounts associated with different misdemeanors are displayed in the table below. The bill creates a minor misdemeanor for violations of its provisions. However, as previously discussed, more drivers on the road will result in more traffic citations issued and more fine revenue received at the local level.

The vast majority of citations issued for violations of Ohio’s traffic laws are “revenue winners” for political subdivisions. More money is received in the form of fines and court costs than is expended in the issuance of traffic related citations.

Misdemeanors: Sentencing & Penalties			
Offense Level	Maximum Sentence	Personal Fine	Organizational Fine
Misdemeanor - 1st Degree	6 months	up to \$1,000	up to \$5,000
Misdemeanor - 2nd Degree	90 days	up to \$750	up to \$4,000
Misdemeanor - 3rd Degree	60 days	up to \$500	up to \$3,000
Misdemeanor - 4th Degree	30 days	up to \$250	up to \$2,000
Minor Misdemeanor	No incarceration	up to \$100	up to \$1,000

Expenditures. There would be some court and enforcement costs, however these would be more than offset by any revenues received.

Drivers Education

The bill makes the following changes to commercial and high school driver's education program requirements with no fiscal effect on political subdivisions:

Program Type	Current – Classroom Time	Current – Driving Time	Under the bill – Classroom Time	Under the bill – Driving Time
Commercial	16	8	24	8
High School	36	6	24	8

Effective Dates

The bill establishes two separate effective dates. The first date applies solely to the sections dealing with temporary instruction permits and is established as July 1, 1998. The second date applies to all the remaining portions of the bill and is established as January 1, 1999.

□ *LBO staff: Joshua N. Slen, Budget/Policy Analyst*

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